IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.MC.No. 3601 of 2006()

PETITIONER:

BINU CHERIAN, KULATHIKANDATHIL HOUSE,
MADAVANA, PRAYAR MURI, PANDANAD VILLAGE,
PANDANAD P.O., CHENGANOOR.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: STATE & DEFACTO COMPLAINANT:

---

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
CHENGANOOR.

3. JESSY RAJU, W/O.RAJU VARGHESE,
MADAVANA, PUTHENPURAYIL, INJAKATTIL,
PRAYAR MURI, PANDANAD VILLAGE,
PANDANAD P.O., CHENGANOOR.

BY ADV. SRI.RINNY STEPHEN
PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3601 of 2006

Dated this the 6th day of December 2006

O R D E R

The petitioner faces prosecution for offences punishable interalia under Section 324 and 354 I.P.C. When the matter came up finally for hearing, the learned counsel for the rival contestants jointly submit that the matter has now been settled between the parties. All the offences are compoundable and the complainant has already settled the disputes and compounded the offences alleged against the accused. The learned counsel for the defacto complainant/victim submits that the complainant is willing to appear before the learned Magistrate and apply for composition.

2. If that be so, it is only necessary to direct that the learned Magistrate must consider such application for composition, in accordance with law on merits and expeditiously. To consider such application for composition by the defacto complainant, it is not necessary for the learned Magistrate to insist on the personal appearance of the accused.

3. With the above observations, this Criminal Miscellaneous Case is allowed in part. The learned Magistrate is directed to consider such application for composition without insisting on the personal presence of the accused.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006